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**MEMO DROPPED**

September 11, 2007

Honorable Charles L. Brieant  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
Room 275  
White Plains, New York 10601

Re: Sikorski v. Fulton Chevrolet-Cadillac Co., Inc., et al.

**Docket No.: 07 Civ. 3906 (CLB) (LMS)**

Our File No.: 980 90521

Dear Sir:

This firm represents defendant, Sieba, Ltd., in the above-referred matter. In response to the complaint filed by the plaintiff, we served and filed a pre-answer motion to dismiss together with a motion for a stay of disclosure proceedings pending the determination of the motion to dismiss. Both motions are returnable on September 14<sup>th</sup>. Following the service and filing of our motions, the plaintiffs amended their complaint. While we do not believe there are any evidentiary facts to support a valid claim against defendant, Sieba, Ltd., we believe the better course at this time is to withdraw our motion to dismiss and our motion for a stay and to litigate this case with a view towards filing a motion for summary judgment at a later point in time. Accordingly, we hereby request that our motion to dismiss be withdrawn without prejudice and likewise that our motion for a stay of proceedings be withdrawn. We will file and serve an answer to the amended complaint and proceed with discovery proceedings accordingly. This case is scheduled for a conference before Your Honor on September 14<sup>th</sup>.

Very truly yours,

Peter L. Contini

PLC/kl

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